

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 20-cv-954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

**DECLARATION OF IAN A.
HERBERT IN SUPPORT OF
PLAINTIFF'S SUPPLEMENT TO
HIS MOTIONS TO COMPEL
PRODUCTION OF DOCUMENTS
(ECF No. 130) AND FURTHER
DEPOSITION TESTIMONY (ECF
No. 188)**

I, Ian A. Herbert, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury the following:

1. I am counsel at the law firm of Miller & Chevalier Chartered, 900 16th Street NW, Washington, D.C., 20036. I am a member in good standing of the bar of the District of Columbia Bar and I have made a special appearance in this Court on behalf of Plaintiff Farhad Azima. ECF No. 19.
2. Recently, CyberRoot Group (“**CyberRoot**”) has provided to me and my firm information concerning this matter. I have included in this declaration the information that is most relevant to Mr. Azima’s Supplement to Plaintiff’s Motion to Compel, but not all information provided by CyberRoot.
3. Beginning in February 2023, CyberRoot, through its director Vijay Bisht, repeatedly contacted Farhad Azima’s counsel at Miller & Chevalier

(“M&C”), Kirby Behre, through the text messaging application Signal, seeking to provide evidence Mr. Bisht said supported Mr. Azima’s case against Vital Management Services and Nicholas Del Rosso concerning the hacking of Mr. Azima. When asked for details about the information CyberRoot wished to share, Mr. Bisht repeatedly insisted upon an in-person meeting to provide CyberRoot’s information. Mr. Azima’s counsel declined to meet in person without CyberRoot first indicating what they were prepared to admit to and what documentary evidence they hold. M&C also asked what CyberRoot hoped to get out of an in-person meeting, and they refused to say.

4. Mr. Bisht on behalf of CyberRoot eventually agreed to provide a preview of the evidence CyberRoot possessed. In May 2023, CyberRoot asked M&C to communicate on a messaging application called “Twinme,” a secure and encrypted end-to-end application for (among other things) text messages. CyberRoot then sent M&C a series of text messages on Twinme in which CyberRoot admitted to working with Mr. Del Rosso and others to successfully phish and hack Mr. Azima and others starting in 2016. Attached as Exhibit A is a true and correct copy of those text messages as received.
5. Specifically, in the text messages, Mr. Bisht, on behalf of CyberRoot, admitted that:

- a. Mr. Del Rosso first contacted CyberRoot in 2015 and asked CyberRoot to hack Mr. Azima.
 - b. CyberRoot successfully hacked Mr. Azima and others beginning in 2016.
 - c. After obtaining Mr. Azima's data by hack, CyberRoot sent that data to Mr. Del Rosso via WeTransfer links via encrypted messaging applications.
 - d. In June 2016, Mr. Del Rosso asked CyberRoot to transfer the hacked data onto laptops to be delivered to Mr. Neil Gerrard.
 - e. Mr. Gerrard instructed CyberRoot (through Mr. Del Rosso) to place the hacked data on the Internet, which CyberRoot did.
 - f. In 2017, at Mr. Del Rosso's instructions, CyberRoot delivered two mobile phones and one iPad to Mr. Del Rosso for secure communication.
 - g. Vikash Pandey would be willing to "reverse" his prior witness statement.
6. To prove that CyberRoot was behind the hacking that Mr. Del Rosso and Mr. Gerrard ordered, the Twinme text messages from Mr. Bisht also included the passwords of Mr. Azima's that CyberRoot had used to hack Mr. Azima.
7. CyberRoot said that they could provide additional information and corroboration if M&C agreed to meet in person. CyberRoot refused to

meet in the U.S. or Europe, and it was eventually agreed that the parties would meet in Tokyo, Japan.

8. Kirby Behre and I met with CyberRoot directors Mr. Bisht and Mr. Chiranshu Ahuja in person on June 20-21, 2023, in Tokyo. I recognized Mr. Ahuja from photos available on the Internet. Mr. Bisht and Mr. Ahuja claimed to be speaking for CyberRoot and the remaining director, Mr. Vibhor Sharma. At the meetings, CyberRoot again admitted to hacking Mr. Azima at the direction of Mr. Del Rosso, Mr. Gerrard, and others, starting in 2015. CyberRoot provided more detail beyond what was included in the May 2023 text messages and presented some documentary support. For example, Mr. Bisht and Mr. Ahuja admitted that:

- a. Mr. Del Rosso continued to ask CyberRoot to attempt to target Mr. Azima and others as late as 2020, and CyberRoot did so.
- b. Mr. Del Rosso requested that CyberRoot attempt to hack Mr. Azima in 2019 to assist Mr. Gerrard in an upcoming trial involving Mr. Azima, and CyberRoot did so.
- c. Mr. Del Rosso requested CyberRoot target the email addresses of others, such as cameron@riskprofiling.co.uk during 2018, and CyberRoot did so.

- d. Mr. Del Rosso and Mr. Gerrard instructed CyberRoot to publish Mr. Azima's stolen data on the Internet, first in 2016 and then again in 2018 and 2019, which CyberRoot did.
 - e. In 2017, Mr. Del Rosso stopped paying CyberRoot through Vital Management Services because he was worried about the payments being traced back to him. He used multiple other entities to make payments to CyberRoot, totalling more than \$2.3 million.
 - f. After Mr. Azima sued Mr. Del Rosso in this proceeding in October 2020, Mr. Del Rosso instructed CyberRoot to destroy all documents, but CyberRoot did not do so.
 - g. After this lawsuit was filed, Mr. Del Rosso's lawyers, including Brandon Neuman and Jeffrey Kelly, pressured Mr. Bisht and Mr. Vikash Pandey to sign false statements denying the hacking of Mr. Azima.
9. After CyberRoot's presentation admitting to hacking and related illegal activity, CyberRoot for the first time explained what it was seeking. CyberRoot said that it wished to be paid \$20 million in exchange for documentation backing up the information they had already provided. We rejected it as not being a serious request. CyberRoot also requested "immunity."
10. This week, Mr. Bisht used the settings within Signal and Twinme to delete text messages, including the admissions attached to this

statement. Mr. Bisht changed the settings on Signal to delete messages after 24 hours and deleted portions of the text messages on Twinme attached to this statement, specifically those in which he confessed that CyberRoot hacked Mr. Azima. I therefore prepared this witness statement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2023, in Washington, D.C.



Ian A. Herbert

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Declaration to the following attorneys:

Brandon S. Neuman, Esq.

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This, the 20th day of July, 2023.

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